

Veterinary Surgeons (Transitional Provisions) Regulation 2016

Subordinate law SL2016 – 13

made under the

Veterinary Surgeons Act 2015, s 207 (Transitional regulations)

EXPLANATORY STATEMENT

Overview of the regulation

The *Veterinary Surgeons (Transitional Provisions) Regulation 2016* (the **regulation**) modifies part 20 of the *Veterinary Surgeons Act 2015* (the **new Act**).

The new Act commenced on 1 December 2015. The new Act:

- regulates veterinary surgeons in the ACT;
- establishes the ACT Veterinary Surgeons Board; and
- repeals the *Health Professionals Act 2004* (the **repealed Act**), which previously regulated veterinary surgeons.

Part 20 of the new Act provides for transition between the repealed Act and new Act. These transitional provisions include, in section 205, that an inquiry that had commenced under the repealed Act, but which had not finished (or under which no action had been taken), is taken to be a disciplinary inquiry under the new Act.

The transitional provisions in part 20 of the new Act do not, however, cover the situation where a veterinary surgeon engaged in conduct that could have been the subject of occupational discipline under the repealed Act, but about which a complaint was not received until after the commencement of the new Act.

Section 207 of the new Act provides that a regulation may modify part 20 of the Act to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately dealt with in that part.

In the Executive's option, it is necessary to modify part 20 of the new Act to provide for the situation where a complaint is received under the new Act about conduct that occurred under the repealed Act.

CLAUSE NOTES

Clause 1 Name of regulation

This clause provides that the name of the regulation is the *Veterinary Surgeons (Transitional Provisions) Regulation 2016*.

Clause 2 Commencement

This clause provides for the commencement of the regulation. The regulation commences on the day after its notification day.

Clause 3 Modification of Act, pt 20—Act, s 207

This clause modifies part 20 of the new Act by inserting new section 205A. New section 205A provides for the situation where a complaint is received under the new Act about conduct that occurred under the repealed Act.

New section 205A provides the following grounds for occupational discipline of a veterinary surgeon to be transitioned from the repealed Act to the new Act:

1. the veterinary surgeon contravened, before the commencement day of the new Act, a standard of practice that applied to the veterinary surgeon under the repealed Act;
2. the veterinary surgeon, before the commencement day of the new Act, put public safety at risk;
3. the veterinary surgeon, before the commencement day of the new Act, did not satisfy the suitability to practise requirements for a veterinary surgeon under the repealed Act.

With the insertion of new section 205A, the ACT Veterinary Surgeons Board is empowered under section 60 of the new Act to apply to the ACT Civil and Administrative Tribunal for an occupational discipline order in relation to a veterinary surgeon for conduct that occurred under the repealed Act.

Clause 4 Expiry

This clause provides that the regulation expires on the same day as part 20 of the new Act. Section 208 of the new Act provides that part 20 expires 2 years after the new Act's commencement day.